

SEVENTEENTH DAY

(Tuesday, February 7, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called and the following Senators were present:

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Small

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Small was granted leave of absence for today on account of illness, on motion of Senator Spears.

Reports of Standing Committees

Senator Aikin submitted the following report of the Committee on Education:

Austin, Texas,
February 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 360, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts and / or independent consolidated school districts which include within

their limits a city or town which according to the then latest preceding Federal Census had a population of not fewer than one thousand and thirty (1,030) and not more than one thousand and eighty (1,080) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Senator Moffett submitted the following reports of the Committee on Constitutional Amendments:

Austin, Texas,
February 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 3,

Have had same under consideration, and I am instructed to report said resolution back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,
February 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 2,

Have had same under consideration, and I am instructed to report said resolution back to the Senate, with the recommendation that it do not pass, and that committee substitute do pass in lieu of the original resolution and be printed.

MOFFETT, Chairman.

Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Kelley:

S. B. No. 160, A bill to be entitled "An Act to amend Section 3 of Chapter 5, Acts 1934 Forty-third Legislature, Second Called Session, as amended by Chapter 439, Acts 1935, Forty-fourth Legislature, Second Called Session, by providing that the Boards of Directors may refinance bonds already issued, and declaring an emergency."

Referred to Committee on Education.

By Senator Winfield:

S. B. No. 161, A bill to be entitled "An Act exempting certain independent school districts created under Chapter 5, Acts 1930, Forty-first Legislature, Fifth Called Session, from the provisions of Article 2767 of the Revised Civil Statutes, and declaring an emergency."

Referred to Committee on Education.

By Senator Metcalfe:

S. B. No. 162, A bill to be entitled "An Act providing for the execution of an agreement to extend the Interstate Compact to Conserve Oil and Gas; prescribing the form of the agreement; prescribing procedure for withdrawal from the compact; and declaring an emergency."

Referred to Committee on Mining, Irrigation and Drainage.

By Senator Small:

S. B. No. 163, A bill to be entitled "An Act authorizing the creation of corporations for the purpose of maintaining, constructing, and operating landing fields for airplanes, and depots, terminals, machine shops and hangars to accommodate aircraft, and conferring upon such corporations the right of eminent domain, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Small:

S. B. No. 164, A bill to be entitled "An Act creating the Texas Coronado Quarto Centennial Commission, prescribing the duties and responsibilities of such Commission, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Small:

S. B. No. 165, A bill to be entitled "An Act to amend Sub-Section (a) of Section 7, House Bill No. 2, Chapter 13, Acts of the Forty-second Legislature, Third Called Session, as amended by Senate Bill No. 300, Chapter 136, Acts of the Forty-third Legislature, Regular Session, and as amended by Senate Bill No. 450, Chapter 500, Acts of the Forty-fifth Legislature, Regular Session, relating to eligible obligations of the counties or Road Districts of the State to participate in County and Road District Highway Fund; and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Senator Van Zandt:

S. B. No. 166, A bill to be entitled "An Act amending Section 9, Chapter 107, Acts of the Regular Session of the Forty-first Legislature, 1929, relating to licensing of pharmacists; and declaring an emergency."

Referred to Committee on Public Health.

Reports of Standing Committees

Senator Lanning, by unanimous consent, submitted at this time the following report of the Committee on Highways and Motor Traffic:

Austin, Texas,
February 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

House Bill No. 274, "An Act creating a Special Road Law for Parker County, Texas; providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of November 14, 1938; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said county, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges, and

General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Senator Cotten, by unanimous consent, submitted at this time the following reports of the Committee on Insurance:

Austin, Texas,
February 7, 1939.

Hon. Coke R. Stevenson, President of the Senate:

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 73, A bill to be entitled "An Act to amend the laws relating to local mutual aid associations by amending Chapter 274, Acts of the Regular Session of the Forty-first Legislature, Section 11, in order to better regulate groups or classes of members and their assessments and benefits; repealing Section 13 of said Act; amending Section 17 of said Act with regard to funds and revenues; amending Section 26 of said Act, as amended by Chapter 201, Acts of the Regular Session of the Forty-second Legislature, as to dissolution and forfeitures; repealing all laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Very respectfully,

COTTEN, Chairman.

Austin, Texas,
February 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 27, A bill to be entitled "An Act amending Chapter 245, Acts of the Regular Session of the Forty-third Legislature, to provide additional regulation of State-Wide Mu-

tual Assessment Insurance Companies; etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Very respectfully,

COTTEN, Chairman.

Austin, Texas,
February 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 135, A bill to be entitled "An Act further regulating all life, health and accident assessment insurance companies or associations or burial societies, repealing conflicting laws, authorizing the Board of Insurance Commissioners to limit the use of names, and to pass upon the worthiness of officers; etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Very respectfully,

COTTEN, Chairman.

Senator Sulak, by unanimous consent, submitted at this time the following report of the Committee on Agriculture:

Austin, Texas,
February 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 111, A bill to be entitled "An Act to amend Chapter 93, Acts of the First Called Session of the Forty-first Legislature of the State of Texas, further defining the duties of the Commissioner of Agriculture providing certain safe-guards for the purchasers of seed produced outside of Texas and shipped into Texas, providing that seed sold as Registered and Certified in Texas meet Texas standards, requiring permit to ship certain planting seed into Texas, providing fees for such permits, clarifying certain terms used under the Seed Certification program, provid-

ing penalties, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SULAK, Chairman.

Senator Moore, by unanimous consent, submitted at this time the following report of the Committee on Game and Fish:

Austin, Texas,
February 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 264 by Mohrmann, A bill to be entitled "An Act to amend Section 1 of House Bill No. 506, being Chapter 63, General and Special Laws of 1937 of the Forty-fifth Legislature, Regular Session; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Senator Weinert, by unanimous consent, submitted at this time the following reports of the Committee on State Affairs:

Austin, Texas,
February 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 324 by Derden, A bill to be entitled "An Act validating all proceedings, notices, and orders directed toward the establishment and creation of Falls County Road District No. 5; validating any orders and proceedings directed toward the issuance of bonds; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
February 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 325 by Derden, A bill to be entitled "An Act validating all proceedings, notices, and orders directed toward the establishment and creation of Falls County Road District No. 15; validating any orders and proceedings directed toward the issuance of bonds; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Presentation to President

Senator Burns, on behalf of the convict in the State Penitentiary who made it, presented to President Stevenson a gavel.

House Bill 274 on Second Reading

On motion of Senator Lanning, and by unanimous consent, Senate rules 31a and 48 were suspended severally, to permit consideration of H. B. No. 274 at this time.

The President laid before the Senate, on its second reading and passage to third reading:

H. B. No. 274, A bill to be entitled "An Act creating a Special Road Law for Parker County, Texas; providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of November 14, 1938; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said county, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges, and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of

this Act; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time, and was passed to third reading.

House Bill 274 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 274 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent

Beck

Absent—Excused

Small

The President then laid H. B. No. 274 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Metcalf
Brownlee	Moffett
Burns	Moore
Collie	Nelson
Cotten	Pace
Graves	Redditt
Hardin	Roberts
Head	Shivers
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Sulak

Van Zandt
Weinert

Winfield

Absent

Beck

Absent—Excused

Small

House Bill 264 on Second Reading

On motion of Senator Weinert, and by unanimous consent, Senate rules 31a and 48 were suspended to permit consideration of H. B. No. 264 at this time.

The President laid before the Senate, on its second reading and passage to third reading:

H. B. No. 264, A bill to be entitled "An Act to amend Section 1 of House Bill No. 506, being Chapter 63, General and Special Laws of 1937 of the Forty-fifty Legislature, Regular Session."

The bill was read second time and was passed to third reading.

House Bill 264 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 264 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Beck

Small

The President then laid H. B. No. 264 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote.

Yeas—29

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent

Beck

Absent—Excused

Small

Senate Bill 25 with House Amendments

Senator Moffett called up Senate Bill No. 25 from the President's table for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were explained by Senator Moffett.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

Yeas—29

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent

Beck

Absent—Excused

Small

Report of Standing Committee

Senator Cotten, by unanimous consent, submitted at this time the following report of the Committee on Counties and County Boundaries:

Austin, Texas,
February 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 395, A bill to be entitled "An Act authorizing the County Judge to employ a stenographer or secretary in any county having a population of not more than seven thousand and fifteen and not less than six thousand, six hundred and eighty-five inhabitants according to the last preceding Federal Census; regulating the salary of same; providing for payment of salary; providing for removal; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

House Bill 395 on Second Reading

On motion of Senator Collie, and by unanimous consent, Senate rules 48 and 31a were suspended, to permit consideration of H. B. No. 395 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 395, A bill to be entitled "An Act authorizing the County Judge to employ a stenographer or secretary in any county having a population of not more than seven thousand and fifteen (7,015) and not less than six thousand, six hundred and eighty-five (6,685) inhabitants, according to the last preceding census; regulating the salary of same; providing for payment of salary; providing for removal, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 395 on Third Reading

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 395 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent

Beck

Absent—Excused

Small

The President then laid H. B. No. 395 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote.

Yeas—29

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent—Excused

Beck

Small

Report of Standing Committee

Senator Brownlee, by unanimous consent, submitted at this time the following report of the Committee on Highways and Motor Traffic:

Austin, Texas,
February 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 293, A bill to be entitled "An Act creating a Special Road Law for Kaufman County, Texas; providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of June 8, 1938; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness, etc., and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

House Bill 293 on Second Reading

On motion of Senator Cotten, and by unanimous consent, Senate rule 48 was suspended to permit consideration of H. B. No. 293 at this time.

The President laid before the Senate, on its second reading and passage to third reading:

H. B. No. 293, A bill to be entitled "An Act creating a Special Road Law for Kaufman County, Texas; providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of June 8, 1938; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of

roads and bridges and General Laws on funding or refunding bonds not in conflict herewith; providing this law shall be cumulative of Special Road Laws for Kaufman County, Texas, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 293 on Third Reading

Senator Cotten moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 293 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent

Beck

Absent—Excused

Small

The President then laid H. B. No. 293 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Hardin
Brownlee	Head
Burns	Hill
Collie	Isbell
Cotten	Kelley
Graves	Lanning

Lemens
Martin
Metcalfe
Moffett
Moore
Nelson
Pace
Redditt
Roberts
Shivers

Spears
Stone
of Galveston
Stone
of Washington
Sulak
Van Zandt
Weinert
Winfield

Absent

Beck

Absent—Excused

Small

House Bill 325 on Second Reading

On motion of Senator Weinert, and by unanimous consent, Senate rule 48 was suspended to permit consideration of H. B. No. 325 at this time.

The President then laid before the Senate, on its second reading and passage to third reading:

H. B. No. 325, A bill to be entitled "An Act validating all proceedings, notices and orders directed toward the establishment and creation of Falls County Road District No. 15; validating any orders and proceedings directed toward the issuance of bonds, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 325 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 325 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lemens
Beck	Martin
Brownlee	Metcalfe
Burns	Moffett
Collie	Moore
Cotten	Nelson
Graves	Pace
Hardin	Redditt
Head	Roberts
Hill	Shivers
Isbell	Spears
Kelley	Stone
Lanning	of Galveston

Stone
of Washington
Sulak

Van Zandt
Weinert
Winfield

Absent—Excused

Small

The President then laid H. B. No. 325 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Small

House Bill 324 on Second Reading

On motion of Senator Weinert, and by unanimous consent, Senate rule 48 was suspended to permit consideration of H. B. No. 324 at this time.

The President laid before the Senate, on its second reading and passage to third reading:

H. B. No. 324, A bill to be entitled "An Act validating all proceedings, notices and orders directed toward the establishment and creation of Falls County Road District No. 5; validating any orders and proceedings directed toward the issuance of bonds, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 324 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 324 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Small

The President laid H. B. No. 324 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Small

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives
Austin, Texas, February 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 30, Accepting a donation from the Houston Light Guard Veterans Association, Inc., of certain lots and a building located within the City of Houston, for the maintenance of a permanent armory for Company G, 143rd Infantry, Texas National Guard.

Respectfully submitted,
E. R. LINDLEY, Chief Clerk,
House of Representatives.

Hour for Executive Session Set

Senator Shivers asked unanimous consent of the Senate that the hour of 10:50 o'clock a. m. be set for an executive session of the Senate, to consider nominations heretofore submitted by the governor.

There was no objection offered, and it was so ordered.

Advance Printing of Bills

On motion of Senator Cotten, it was ordered that S. B. No. 98 be printed in advance of its consideration in committee.

On motion of Senator Aikin, it was ordered that S. B. No. 116 be printed in advance of its consideration in committee.

House Bill 360 on Second Reading

On motion of Senator Redditt, and by unanimous consent, Senate rules 48 and 31a were suspended severally to permit consideration of H. B. No. 360 at this time.

The President laid before the Senate, on its second reading and passage to third reading:

H. B. No. 360, A bill to be entitled "An Act to fix the maximum rate or tax to be levied for school purposes in all independent school districts, and/or independent consolidated school districts which include within their limits a city or town which, according to the then latest preceding Federal Census, had a population of not fewer than one thousand and thirty (1,030) and not more than one thousand and eighty (1,080) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Redditt offered the following amendments to the bill:

(1)

Amend House Bill No. 360 by striking out the words and figures "one thousand thirty (1,030)" wherever same appear in the bill and substitute in lieu thereof the words and figures "one thousand fifty (1,050)."

(2)

Amend House Bill No. 360 by striking out the words and figures "one thousand eighty (1,080)" wherever the same appear and substitute in lieu thereof the words and figures "one thousand fifty-five (1,055)."

(3)

Amend the caption to conform to the body of the bill.

The amendments were adopted severally.

H. B. 360 was passed to third reading.

House Bill 360 on Third Reading

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 360 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Small

The President laid H. B. No. 360 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote.

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

Absent—Excused

Small

Report of Standing Committee

Senator Burns, by unanimous consent, submitted at this time the following report of the Committee on Counties and County Boundaries:

Austin, Texas,
February 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 378, Relating to leasing of county hospitals in certain counties,

Have had the same under consideration, and we beg to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Vice Chairman.

House Bill 378 on Second Reading

On motion of Senator Burns, and by unanimous consent, Senate rules 48 and 31a were suspended to permit consideration of H. B. No. 378 at this time.

The President laid before the Senate, on its second reading and passage to third reading:

H. B. No. 378, A bill to be entitled "An Act to amend Article 4494 of the Revised Civil Statutes of Texas, 1925, by adding 4494b to allow counties of certain size to lease their county hospitals, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 378 on Third Reading

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 378 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

Absent—Excused

Small

The President laid H. B. 378 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

Absent—Excused

Small

Executive Session

The President, at 10:50 o'clock, a. m., announced that the hour heretofore fixed for an executive session of the Senate had arrived.

The Sergeant-at-Arms was directed to clear the floor and galleries of all those not entitled to attend the executive session and to close all doors leading from the Senate Chamber.

After Executive Session

At the conclusion of the executive session, the Secretary of the Senate reported to the Journal Clerk that the Senate had adopted the following reports:

(1)

Austin, Texas,
February 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nominations:

To be a Member of the Board of Architectural Examiners:

Herbert Voelker, of Wichita Falls, Wichita County, to fill the unexpired term of Lester T. Flint, deceased. (Mr. Voelker was heretofore appointed to a two-year term on the Architectural Board, and his appointment here is to fill the balance of the four-year term of Lester T. Flint, deceased.)

Thomas D. Broad, of Dallas, Dallas County, to fill the unexpired two-year term of Henry Voelker, who has been appointed to fill the unexpired four-year term of Lester T. Flint, deceased.

To be members of Commission of Public Safety:

Albert Sidney Johnston, of Dallas, Dallas County, (reappointment) two-year term, beginning January 1, 1938.

W. H. Richardson, Jr., of Austin, Travis County, (reappointment) six-year term, beginning January 1, 1938.

Have had the same under consideration and recommend that they be in all things confirmed.

SHIVERS, Chairman.

(2)

Austin, Texas,
February 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nominations:

To be State Labor Commissioner (term beginning February 1, 1939):
Joe Kunschik, of Travis County.

To be a Member of State Parks Board (to serve out unexpired term of Tom L. Beauchamp—5-15-41):

Raymond L. Dillard, of Mexia, Limestone County.

Have had same under consideration, and recommend that they be in all things confirmed.

SHIVERS, Chairman.

In Legislative Session

At 11:40 o'clock a. m., the President called the Senate to order as in legislative session.

House Concurrent Resolution 30

The President laid before the Senate the following resolution, received from the House today:

H. C. R. No. 30, Accepting a certain lot and building in the City of Houston for use as an armory by Company C of the Texas National Guard.

The resolution was read and was referred to the Committee on Military Affairs.

Bills Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 373, "An Act to withdraw from sale or lease all public free school lands heretofore authorized by any law of this State to be sold or leased; providing that such withdrawal shall not apply to applications to purchase or lease filed prior to the effective date of this Act or to applications involved in litigation now pending, and declaring an emergency."

S. B. No. 25, "An Act authorizing the refunding of Texas relief bonds, first series, prescribing the duties and authority of the Texas Bond Commission in connection with the calling and refunding of said bonds at a lower rate of interest, prescribing the terms and conditions for the issuance and payment of said refunding bonds, providing that Section 5 of Chapter 37, Acts of the First Called Session of the Forty-third Legislature, shall not apply to said refunding bonds, making an appropriation for the payment of principal and interest of said refunding bonds for the biennium ending August 31, 1941, and declaring an emergency."

H. B. No. 274, "An Act creating a Special Road Law for Parker County, Texas; providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of November 14, 1938; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said county, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges, and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict herewith, and declaring an emergency."

Report of Standing Committee

Senator Sulak, by unanimous consent, submitted at this time the following report of the Committee on Agriculture:

Austin, Texas,
February 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. B. No. 296, A bill to be entitled "An Act to amend Chapter 93, Acts of the First Called Session of the Forty-first Legislature of the State of Texas, further defining the duties of the Commissioner of Agriculture providing certain safe-guards for the purchasers of seed produced outside

of Texas and shipped into Texas, providing that seed sold as Registered and Certified in Texas meet Texas Standards, requiring permit to ship certain planting seed into Texas, providing fees for such permits, clarifying certain terms used under the Seed Certification program, providing penalties, and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman.

Request to Take Up House Bill 296

Senator Stone of Washington asked unanimous consent of the Senate that Senate rules 48 and 31a be suspended to permit consideration of H. B. No. 296 at this time.

The President announced there was objection to the request.

Message from the Governor

The President laid before the Senate, and had read, the following message from the Governor:

Austin, Texas,
February 7, 1939.

To the Members of the Forty-sixth Legislature:

Anyone who has given even casual attention to public affairs of the State realizes that in the past almost every session of the Legislature the management of the prison system has been a subject of much debate and often of extensive investigation. It seems to me that there are two very distinct phases which enter into the whole problem of prison management. One might be defined as the humanitarian side of the question. The other might be referred to as the business side of the question. I further feel that a committee that might be exceedingly well equipped to deal with one phase of this question, might not be able to be of much assistance in dealing with the other angle of the problem.

It will be only a short time before the Legislature will be called upon to pass on the question of appropriations for the maintenance of the prison system. It, therefore, seems desirable for the Governor and

for the Legislature to have all the information possible on the business management of the prison before they are called upon to pass on the question of appropriations for the operation of the prison system. It seems further desirable that we secure the judgment of competent business men on this problem.

I, therefore, most respectfully recommend to the Legislature that you consider the advisability of appointing a committee to make a study of the operation of the prison system from a business standpoint and that this committee be instructed to report back to the Legislature within sixty (60) days, submitting its definite recommendation as to how convict labor may best be employed, how the business management of the prison system may be improved, to the end that the expense to the taxpayers of this State of maintaining the prison system may be reduced. And I would further recommend that such a committee be composed of the Chairman of the Committee on Penitentiaries in the Senate, the Chairman of the Committee on Penitentiaries in the House, two business men appointed by the Lieutenant Governor, two appointed by the Speaker of the House and two appointed by the Governor.

And it is my further belief that if the resolution authorizing this Committee directs the committee to deal only with this phase of prison management, that the opportunity for constructive recommendations will be increased. It is my further belief that we are more interested in securing information which will enable us to operate our prison system in a more business like manner in the future than we are in a study of the shortcomings, if any, in past management. I realize, of course, that it would be necessary to make some inquiry of the present business procedure in order to recommend improvements for the future, but I doubt the wisdom of such a committee operating as a general investigating committee. It is my belief if the Legislature feels that conditions at the prison system make a general investigation of the system desirable from the standpoint of the whole plan of prison operation, that such an investigation should be handled strictly as a legislative committee, separate and apart from the committee which I am here recommending.

The reason that I am suggesting an inquiry to determine the best method of utilizing the labor of convicts and the best plan of business management is that the reports of the Comptroller of Public Accounts indicate that it is costing the State of Texas on the average during the past ten (10) years more than a million dollars per annum to operate the prison system. In other words, during the past ten (10) years, the State has paid out, in round figures, \$11,000,000.00 more than it has received back in revenue. Now it seems to me that under a proper system of utilizing prison labor that the prison system should be made approximately self-sustaining. But I am very frank to say I do not have sufficient information to enable me to make to the Legislature specific recommendations as to how this could be accomplished. And I know it would be helpful to me, as Governor, and I believe it would be helpful to the Legislature if we had the advice of a competent committee concerning these matters.

I have suggested the form of committee which I have for two reasons: One is, if we are to have legislation on this question, certainly it is desirable that the Chairman of the Committee on Penitentiaries in the House and in the Senate be familiar and in accord with any plan of proposed action. And I have suggested the non-partisan method of naming the other six members of the committee because I would like to remove any question that might exist in the mind of anyone that I, as Governor, have any desire to dominate this committee or the selection of the committee.

I submit this to you as an emergency matter so that you may consider it now if you believe that the recommendation has merit and act upon it in time that we may have the benefit of the recommendations of this committee at this session of the Legislature.

Respectfully,
W. LEE O'DANIEL,
Governor of Texas.

Adjournment

On motion of Senator Roberts, the Senate, at 12:00 o'clock m., adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

Reports of Committees on Engrossed
and Enrolled Bills

Austin, Texas,
February 6, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 93
carefully examined, compared and
read, and find same correctly en-
grossed.

LANNING, Chairman.

Austin, Texas,
February 6, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 132
carefully examined, compared and
read, and find same correctly en-
grossed.

LANNING, Chairman.

Austin, Texas,
February 7, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 25,
carefully examined, compared and
read, and find same correctly en-
rolled.

STONE of Galveston, Chairman.

Austin, Texas,
February 2, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 5
carefully examined, compared and
read, and find same correctly en-
grossed.

LANNING, Chairman.

EIGHTEENTH DAY

(Wednesday, February 8, 1939)

The Senate met at 10:00 o'clock
a. m., pursuant to adjournment, and
was called to order by President
Stevenson.

The roll was called, and the fol-
lowing Senators were present:

Aikin
Beck
Brownlee
Burns
Collie
Cotten
Graves
Hardin
Head
Isbell
Kelley
Lanning
Lemens
Martin
Metcalf
Moffett

Moore
Nelson
Pace
Redditt
Roberts
Shivers
Spears
Stone
of Galveston
Stone
of Washington
Sulak
Van Zandt
Weinert
Winfield

Absent—Excused

Hill

Small

A quorum was announced present.

The invocation was offered by the
Chaplain.

On motion of Senator Aikin, and
by unanimous consent, the reading
of the Journal of the proceedings of
yesterday was dispensed with and
the Journal was approved.

Leaves of Absence Granted

Senator Hill was granted leave of
absence for today on account of im-
portant business, on motion of Sen-
ator Aikin.

Senator Small was granted leave
of absence for today on account of
illness, on motion of Senator Spears.

Reports of Standing Committees

Senator Spears submitted the fol-
lowing reports of the Committee on
Criminal Jurisprudence:

Austin, Texas,
February 7, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on Crim-
inal Jurisprudence, to whom was re-
ferred

S. B. No. 34, by Redditt, A bill to
be entitled "An Act to amend Article
1379 of the Penal Code of the State
of Texas, so as to increase the pen-
alty from a fine of not less than ten
nor more than five hundred dollars,
to confinement in the penitentiary for
not less than one nor more than five
years, and declaring an emergency,"